

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

MATTHEW TOBIN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:12-CV-00274
)	
BEER CAPITOL DISTRIBUTING, INC.,)	
ALDO MADIGRANO,)	
RONALD FOWLER,)	
and MICHAEL MERRIMAN)	
)	
Defendants.)	

AFFIDAVIT OF TOM DRISCOLL

I, Tom Driscoll, pursuant to 28 U.S.C. § 1746, state as follows:

1. I have been employed by Beer Capitol Distributing, Inc. ("Beer Capitol") for approximately four (4) years.
2. I make this affidavit based in support of the Defendants' Brief in Opposition to the Plaintiff's Motion for Conditional Certification.
3. I am employed by Beer Capitol as Chain Account Manager. In this capacity, I am the supervisor for Beer Capitol's Merchandising Manager.
4. Beer Capitol's merchandisers are primarily assigned to two (2) large classifications of stores: "chain" stores (such as Walmart) and independent liquor stores.
5. Merchandisers who are assigned to "chain" stores must put away beer that has been delivered to each store. Since this task might involving moving hundreds

of cases of beer at a given location, “chain” merchandisers spend most of their days moving and stacking the product.

6. “Chain” merchandisers are required to follow a store’s directives for the placement of beer. Though they are responsible for building product displays, “chain” merchandisers must work within the guidelines and limitations of a particular store.

Executed this 17th day of May, 2012.

s/ Tom Driscoll

Tom Driscoll

4839-2114-0239, v. 1